

STRATHFIELD COUNCIL

# EXTRAORDINARY COUNCIL MEETING

## AGENDA

Thursday 2 March 2023

6:00pm

Council Chambers

65 Homebush Road, Strathfield



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MICHAEL MAMO  
GENERAL MANAGER

## **ELECTION OF THE MAYOR - METHOD OF VOTING**

**AUTHOR:** Kristy Watts, Director Corporate and Community

**APPROVER:** Michael Mamo, General Manager

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### **RECOMMENDATION**

That Council considers the method of voting for the Mayor.

### **PURPOSE OF REPORT**

Mayor Blackmore has notified the General Manager that he is vacating the role of Mayor from 2 March 2023. Council will now need to determine who will undertake the role of Mayor from 3 March 2023, through until the end of this Mayoral term being September 2023.

The election process is governed by the Local Government Act and its General Regulation. The process for election of Mayor by Councillors is set out in Clause 394 and Schedule 7 of the Local Government (General) Regulation 2005.

The General Manager is the Returning Officer and administers the election process. Should there be more than one nomination for the position of the Mayor, prior to the election taking place, Council must determine whether the method of voting for electing the Mayor is to be by way of open voting, ordinary ballot, or preferential ballot.

### **REPORT**

#### **Voting process options:**

The process for electing the Mayor must be in accordance with the legislative requirements being the process contained within both the LGA and Schedule 7, Local Government (General) Regulation 2005.

The Regulation requires for cases where there is more than one Councillor nominating for the position of the Mayor, that the Council resolves as to the method of voting for the election of the Mayor. The Regulation provides three options in relation to the method of voting and they are:

1. Open voting (which is by a show of hands)
2. Ordinary ballot (which is a secret ballot and a formal vote requiring an "X" to be placed against the candidate of the voters choice)
3. Preferential ballot (which is a secret ballot but a formal vote requiring the voter to place a number starting from 1 (and then 2, 3 etc.) against each candidate in the order of voter preference.

To assist Councillors, the attached Fact Sheet, 'Election of Mayor and Deputy Mayor by Councillors' has been issued by the Office of Local Government. It advocates the Open Voting method as being the most transparent and least bureaucratic method of voting at Council meetings. It allows the community to see and understand the voting that has occurred.

### **FINANCIAL IMPLICATIONS**

There are no financial implications.

### **ATTACHMENTS**

1. OLG Fact Sheet (includes Schedule 7)

## ELECTION OF THE DEPUTY MAYOR - METHOD OF VOTING

**AUTHOR:** Kristy Watts, Director Corporate and Community

**APPROVER:** Michael Mamo, General Manager

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### RECOMMENDATION

That the Council considers the method of voting for the Deputy Mayor.

### PURPOSE OF REPORT

The term for the current Deputy Mayor is concurrent with the Mayor and Councillor Pensabene has notified the General Manager that she is vacating the role of Deputy Mayor from 2 March 2023.

Council may elect a Councillor to be the Deputy Mayor for the remainder of the Mayoral term, being until September 2023.

The election process is governed by the Local Government (General) Regulations; however, Council would need to determine whether the election is to be conducted by the open voting method, ordinary ballot, or preferential ballot.

The General Manager is the Returning Officer and administers the election process.

### REPORT

#### Background:

Section 231 of the Local Government Act 1993 (LGA) provides:

1. The Councillors may elect a person from among their number to be the Deputy Mayor.
2. The person may be elected for the Mayoral term or shorter term.
3. The Deputy Mayor may exercise any function of the Mayor at the request of the Mayor or if the Mayor is prevented by illness, absence or otherwise from exercising a function under this section, or if there is a casual vacancy in the office of the Mayor.
4. The Councillors may elect a person among their number to act as Deputy Mayor if the Deputy Mayor is prevented by illness, absence or otherwise from exercising a function under this section, or if no Deputy Mayor has been elected.

Accordingly, should Council determine that there will be a Deputy Mayor, then Council will need to determine the term for that position, in this case up to the end of the current Mayoral term, being September 2023.

The process of electing the Deputy Mayor is similar to that for the election of Mayor, described in Schedule 7 of the Local Government (General) Regulation 2005.

In accordance with the Regulation, Council would need to determine the method of voting to elect the Deputy Mayor in case there is more than one candidate.

#### Nominations:

#### Voting process options:

There are three options in relation to the method of voting and they are:

1. Open voting (which is by a show of hands).
2. Ordinary ballot (which is a secret ballot and a formal vote requires an "X" to be placed against the candidate of the voters choice).

3. Preferential ballot (which is a secret ballot but a formal vote requiring the voter to place a number starting from 1 (and then 2, 3 etc) against each candidate in the order of voter preference.

The attached Fact Sheet, 'Election of Mayor and Deputy Mayor by Councillors' issued by the Office of Local Government advocates for the Open Voting method as being the most transparent least bureaucratic method of voting at Council meetings. It allows the community to see and understand the voting that has occurred.

It is proposed that Council follows the process for electing the Deputy Mayor in accordance with the legislative requirements being the process contained within both the LGA and Schedule 7, Local Government (General) Regulation 2005 also attached.

#### **FINANCIAL IMPLICATIONS**

There are no financial implications.

#### **ATTACHMENTS**

1. OLG Fact Sheet (includes Schedule 7)

**ELECTION OF MAYOR**

**AUTHOR:** Kristy Watts, Director Corporate and Community

**APPROVER:** Michael Mamo, General Manager

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**RECOMMENDATION**

Council elects the Mayor for the remainder of the Mayoral term, being until September and 2023 in accordance with the Local Government Act 1993 and Schedule 7, Local Government (General) Regulation 2005 and by the method of voting previously determined by the Council at this meeting.

**PURPOSE OF REPORT**

Section 225 and 227 of the Local Government Act 1993 (LGA) provide that an area must have a Mayor who is elected by the Councillors of the area.

In accordance with Section(s) 230 and 290 of the LGA, the Mayor, so elected, in this instance, holds the position until the end of the current Mayoral term, being September 2023.

**REPORT**

**Background:**

Schedule 7 of the Local Government (General) Regulation 2005 (LGGR) and the Office of Local Government's Fact Sheet, 'Election of Mayor and Deputy Mayor by Councillors' outlines the process for the election including the nomination of candidates, election of Councillors and method of voting amongst other procedural requirements.

**Nominations:**

It should be specifically noted that:

- The General Manager (or nominee) is the Returning Officer.
- Nominations are to be in writing by two or more Councillors and the nominee must indicate consent to the nomination in writing
- Where only one Councillor is nominated, the Returning Officer will declare that Councillor elected.
- Where there is more than one Councillor nominated, the Council must determine by resolution, the method of voting for the position of Mayor.

Tied votes are decided by choosing by lot. Where there is more than one Councillor nominating for the position of the Mayor, the method of voting for the election of the Mayor will be as previously determined by Council at this meeting.

It is proposed that Council follows the process for electing the Mayor in accordance with the legislative requirements being the process contained within both the LGA and Schedule 7, LGGR.

**FINANCIAL IMPLICATIONS**

There are no financial implications.

**ATTACHMENTS**

1. OLG Fact Sheet (includes Schedule 7)
2. Mayor - Nomination form

**We,** Councillor \_\_\_\_\_

Signed \_\_\_\_\_

and

Councillor \_\_\_\_\_

Signed \_\_\_\_\_

Hereby nominate:

Councillor \_\_\_\_\_

For the Office of: **Mayor**

I **accept** the nomination:

<b>Councillor</b>	
<b>Signed</b>	
<b>Date</b>	

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**ELECTION OF THE DEPUTY MAYOR**

**AUTHOR:** Kristy Watts, Director Corporate and Community

**APPROVER:** Michael Mamo, General Manager

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**RECOMMENDATION**

That Council elects a Councillor to the position of Deputy Mayor for the remainder of the Council term, being until September 2023.

**PURPOSE OF REPORT**

Section 231 of the Local Government Act 1993 empowers the Council to elect a Deputy Mayor if it so desires. The process for election of Deputy Mayor by Councillors is set out in Schedule 7 of the Local Government (General) Regulation 2005.

Should there be more than one nomination, the method of voting to elect the Deputy Mayor will be as determined by Council at this meeting. All nominations must be in writing and per the attached nomination form.

The General Manager is the Returning Officer and administers the election process.

**REPORT**

**Nominations:**

The process of electing the Deputy Mayor is similar to that for the election of Mayor, described in Schedule 7 of the Local Government (General) Regulation 2005 (LGGR) and in the Office of Local Government's Fact Sheet, 'Election of Mayor and Deputy Mayor by Councillors' (attached).

Council may elect a Councillor to be Deputy Mayor for the mayoral term or a shorter term.

Where there is more than one Councillor nominating for the position of the Deputy Mayor, the method of voting for the election of the Deputy Mayor will be as previously determined by Council at this meeting.

**FINANCIAL IMPLICATIONS**

There are no financial implications.

**ATTACHMENTS**

1. OLG Fact Sheet (includes Schedule 7)
2. Deputy Mayor - Nomination form



**We,** Councillor \_\_\_\_\_

Signed \_\_\_\_\_

and

Councillor \_\_\_\_\_

Signed \_\_\_\_\_

Hereby nominate:

Councillor \_\_\_\_\_

For the Office of: Deputy Mayor

I **accept** the nomination:

<b>Councillor</b>	
<b>Signed</b>	
<b>Date</b>	

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## Fact Sheet

# ELECTION OF MAYOR AND DEPUTY MAYOR BY COUNCILLORS



### Summary

Councillors must elect a mayor from among their number every two years unless they have a popularly elected mayor.

Councillors may also elect a deputy mayor. The deputy mayor may be elected for the mayoral term or a shorter term.

The election of the mayor and the deputy mayor must be conducted in accordance with clause 394 and Schedule 7 of the *Local Government (General) Regulation 2005* (the Regulation).

The purpose of this document is to assist councils to conduct mayoral and deputy mayoral elections in accordance with these requirements. It includes scripts for key activities to help returning officers exercise their functions. These scripts are provided in the text boxes inserted in the relevant parts of this document.

### How can councils use this document?

Electing a mayor is an important activity. It is vital that the process is smooth, open and easy to follow and not rushed or confusing. Where necessary, it may be appropriate to stop and provide clarification for the benefit of councillors, staff or the gallery.

Returning officers can circulate this document prior to the meeting to help councillors understand the election process.

### Election of a mayor after an ordinary election of councillors

An election for mayor must be held within three weeks of the declaration of the ordinary election at a meeting of the council.

The returning officer is to be the general manager or a person appointed by the general manager.

As no mayor or deputy mayor will be present at the start of the meeting, the first business of the meeting should be the election of a chairperson to preside at the meeting. Alternatively, the returning officer may assume the chair for the purpose of conducting the election.

### Mid-term election of a mayor

A mayor elected by councillors holds office for two years. A mid-term mayoral election must be held in the September two years after the ordinary election of councillors or the first election of a new council following its establishment.

### Procedures

#### Prior to the meeting

Before the council meeting at which the election is to be conducted, the returning officer will give notice of the election to the councillors.

The notice is to set out how a person may be nominated as a candidate for election as chairperson.

*As returning officer, I now invite nominations for the position of mayor/deputy mayor for [name of council] for a two year period.*

*In accordance with the Local Government (General) Regulation 2005, two or more councillors may nominate a councillor (one of whom may be the nominee) for the position of mayor/deputy mayor. Nominations must be in writing and the nominee must consent to their nomination in writing.*

A councillor may be nominated without notice for election as mayor or deputy mayor. The nomination is to be made in writing by two or more councillors (one of whom may be the nominee). The nomination is not valid unless the nominee has indicated consent to the nomination in writing.

The returning officer checks the nomination forms and writes the nominees' names on a candidates' sheet.

#### At the meeting

At the start of the first meeting after an ordinary election, in the absence of a chairperson, the returning officer assumes the chair and announces that the first item of business is to be the election of a mayor.

If a chairperson is present, they announce that the first item of business is the election of the mayor then vacates the chair for the returning officer who will then conduct the election.

The returning officer reads out the names of the nominees and seeks confirmation that the nominee has accepted the nomination.

If only one councillor has been nominated for the position of mayor/deputy mayor, the nominee is elected.

*As there is only one nominee for the role of mayor/deputy mayor, I declare that [name of successful candidate] is elected as mayor/deputy mayor for the ensuing two years.*

If more than one candidate has been nominated, the council must determine by resolution, the method of voting for the position of mayor/deputy mayor, by way of one of the following methods:

- Open voting – i.e. by show of hands
- Ordinary ballot – i.e. a secret ballot (place an "X" against the candidate of their choice)
- Preferential ballot – i.e. place 1, 2, 3 etc. against each candidate.

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The returning officer must ask for a motion to be put to the meeting by one of the councillors on the preferred method of voting for the election of a chairperson. This must then be seconded and voted on by the councillors.

**Note:** In the event of a tie, if there is a chairperson, they may use their casting vote. If there is a tie and no chairperson, an election for the role of chairperson should be conducted. Then the election for mayor resumes.

## Open voting (show of hands)

Open voting is the most transparent method of voting. It is also the least bureaucratic method and reflects normal council voting methods.

The returning officer will advise the meeting of the method of voting and explains the process.

*It has been resolved that the method of voting for the position of mayor/deputy mayor will be by show of hands.*

*Each councillor is entitled to vote for only one candidate in each round of voting.*

*I will now write each candidate's name on a slip of paper and deposit it in a barrel. The first name out of the barrel will be written first on the tally sheet, with second name out being written second on the tally sheet, etc.*

When all candidates' names have been written on the tally sheet, the returning officer announces the names of the candidates and, commencing with the first candidate, states the following:

*Would those councillors voting for [name of candidate] please raise your hand.*

The returning officer records the number of votes for each successive candidate on the tally sheet and announces the number of votes received for each candidate.

The minute taker records the vote of each councillor.

The returning officer should check with the minute taker that each councillor has voted. If a councillor has not voted it should be confirmed that they are abstaining (an informal vote).

### Two candidates

If there are only two candidates for the position of mayor/deputy mayor and the voting is higher for one candidate than another (number of formal votes recorded on the tally sheet), the returning officer then announces the result.

*[Name of candidate] has the higher number of formal votes and as a result I declare that [name of candidate] is elected as mayor/deputy mayor for the ensuing two years.*

In the event of a **tied vote**, the returning officer will advise the meeting of the following process.

*In accordance with clause 12 of Schedule 7 of the Local Government (General) Regulation 2005, I will now write the*

*names of the candidates on similar slips of paper, fold them and place them in the barrel. Please note that the candidate whose name is drawn out will be declared as mayor/deputy mayor.*

It is appropriate to show the meeting the names and the barrel. Councillors may inspect but not touch the items.

The returning officer places the names of the candidates into the barrel and requests a staff member to shake the barrel.

The returning officer then draws a name out of the barrel and shows the meeting.

*I declare that [name of candidate] is elected as mayor/deputy mayor for the ensuing two years.*

The returning officer then draws out the remaining name and reads it for completeness. The second name should be shown to the meeting.

### Three or more candidates

If there are three or more candidates, the candidate with the lowest number of votes for the position of mayor/deputy mayor is excluded.

*[Name of candidate], having the lowest number of votes, is excluded.*

The voting continues as above until there are only two candidates remaining (see voting for **two candidates** above).

In the event that the **lowest number of votes are tied**, the returning officer advises the meeting of the following process:

*In accordance with clause 12 of Schedule 7 of the Local Government (General) Regulation 2005, I will now write the names of the candidates on similar slips of paper, fold them and place them in the barrel. Please note that the candidate whose name is drawn out will be excluded.*

It is appropriate to show the meeting the names and the barrel. Councillors may inspect but not touch the items.

The returning officer places the names of the candidates into the barrel and requests a staff member to shake the barrel.

The returning officer then draws a name out of the barrel and shows it to the meeting.

*I declare that [name of candidate] is excluded.*

The returning officer then draws out the remaining name and reads it for completeness. The second name should be shown to the meeting.

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## Ordinary ballot – (secret ballot)

The returning officer advises the meeting of the method of voting and explains the process.

*It has been resolved that the method for voting for the position of mayor/deputy mayor will be by ordinary ballot, in other words by placing an "X" against the candidate of the councillor's choice.*

The returning officer announces the names of the candidates for mayor/deputy mayor and writes each name on a slip of paper and deposits it in a barrel.

The returning officer requests that a staff member shakes the barrel and advises that the order in which the names will appear on the ballot paper will be determined by a draw out of the barrel, i.e. first name out of the barrel is written first on the ballot papers and so on.

It will be necessary to have a number of blank papers as this process may require more than one round of voting.

The returning officer writes the names on one set of the ballot papers and initials the front of each ballot paper.

A staff member distributes the ballot papers and collects them into the ballot box when completed and gives it to the returning officer who counts the votes and records them on the tally sheet.

The returning officer announces the results.

*[Name of candidate], having the lowest number of votes, is excluded.*

In the event that the **lowest number of votes are tied**, the returning officer advises the meeting of the following process:

*In accordance with clause 12 of Schedule 7 of the Local Government (General) Regulation 2005, I will now write the names of the candidates on similar slips of paper, fold them and place them in the barrel. Please note that the candidate whose name is drawn out will be excluded.*

It is appropriate to show the meeting the names and the barrel. Councillors may inspect but not touch the items.

The returning officer places the names of the candidates into the barrel and requests a staff member to shake the barrel.

The returning officer then draws a name out of the barrel and shows it to the meeting.

*I declare that [name of candidate] is excluded.*

The returning officer then draws out the remaining name and reads it for completeness. The second name should be shown to the meeting.

The returning officer writes the names of the remaining candidates on a further set of the ballot papers and initials the front of each ballot paper.

The staff member distributes ballot papers listing the remaining candidates and collects them into the ballot box when completed and gives it to the returning officer who again counts the votes and records them on the tally sheet and announces the results.

The process continues until two candidates remain, where a final vote takes place.

*[Name of candidate] has the higher number of votes and I declare that [name of candidate] is elected as mayor/deputy mayor for the ensuing two years.*

In the event of a **tied vote** between the two remaining candidates, the returning officer makes the following statement and announces the process.

*The votes are tied between [name of candidate 1] and [name of candidate 2] having received [number] votes each, and, in accordance with clause 12 of Schedule 7 of the Local Government (General) Regulation 2005, I will now write the names of the candidates on similar slips of paper, fold them and place them in the barrel.*

*Please note that the candidate whose name is drawn out will be declared as mayor/deputy mayor.*

It is appropriate to show the meeting the names and the barrel. Councillors may inspect but not touch the items.

The returning officer places the names of the candidates into the barrel and requests that a staff member shakes the barrel.

The returning officer then draws a name out of the barrel and shows the meeting.

*I declare that [name of candidate] is elected as mayor/deputy mayor for the ensuing two years.*

The returning officer then draws out the remaining name and reads it for completeness. The second name should be shown to the meeting.

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## Preferential ballot

The returning officer explains the process.

*It has been resolved that the method for voting for the position of mayor/deputy mayor will be by preferential ballot, i.e. placing 1, 2 and so on against the candidate of the councillor's choice in order of preference for all candidates.*

The returning officer announces the names of the candidates for mayor/deputy mayor and writes each candidate's name on a slip of paper and deposits it in a barrel.

The returning officer requests that a staff member shakes the barrel and advises that the order in which the names will appear on the ballot paper will be determined by a draw out of the barrel, i.e. first name out of the barrel is written first on the ballot papers and so on.

The returning officer writes the names on the ballot papers and initials the front of each ballot paper. This method of voting requires only one set of ballot papers.

A staff member distributes the ballot papers and collects them when completed and gives them to the returning officer who counts the first preference votes and records them on the tally sheet.

If a candidate has an absolute majority of first preference votes (more than half), the returning officer declares the outcome.

*[Name of candidate], having an absolute majority of first preference votes, is elected as mayor/deputy mayor for the ensuing two years.*

If no candidate has the absolute majority of first preference votes, the returning officer excludes the candidate with the lowest number of first preference votes.

*[Name of candidate], having the lowest number of first preference votes, is excluded.*

The preferences from the excluded candidate are distributed. This process continues until one candidate has received an absolute majority of votes, at which time the returning officer announces the result.

*[Name of candidate], having an absolute majority of votes, is elected as mayor/deputy mayor for the ensuing two years.*

In the event of a **tied vote** where there are only two candidates remaining in the election, the returning officer explains the process.

*The votes are tied between [name of candidate 1] and [name of candidate 2] having received [number] votes each, and, in accordance with clause 12 of Schedule 7 of the Local Government (General) Regulation 2005, I will now write the names of the candidates on similar slips of paper, fold them and place them in the barrel. Please note that the candidate whose name is drawn out will be declared as mayor/deputy mayor.*

It is appropriate to show the meeting the names and the barrel. Councillors may inspect but not touch the items.

The returning officer places the names of the candidates into the barrel and requests a staff member to shake the barrel. The returning officer then draws a name out of the barrel and shows the meeting.

*I declare that [name of candidate] is elected as mayor/deputy mayor for the ensuing two years.*

The returning officer then draws out the remaining name and reads it for completeness. The second name should be shown to the meeting.

In the event that the **lowest number of votes are tied** and where there are three or more candidates remaining in the election, the returning officer advises the meeting of the process.

*In accordance with clause 12 of Schedule 7 of the Local Government (General) Regulation 2005, I will now write the names of the candidates on similar slips of paper, fold them and place them in the barrel. Please note that the candidate whose name is drawn out will be excluded and their preferences distributed.*

It is appropriate to show the meeting the names and the barrel. Councillors may inspect but not touch the items.

The returning officer places the names of the candidates into the barrel and requests that a staff member shakes the barrel.

The returning officer then draws a name out of the barrel and shows the meeting.

*I declare that [name of candidate] is excluded and any votes cast for them will be distributed by preference.*

The returning officer then draws out the remaining name and reads it for completeness. The second name should be shown to the meeting.

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## Schedule 7 - Election of Mayor by Councillors

### Part 1 Preliminary

#### 1 Returning officer

The general manager (or a person appointed by the general manager) is the returning officer.

#### 2 Nomination

- (1) A councillor may be nominated without notice for election as mayor or deputy mayor
- (2) The nomination is to be made in writing by 2 or more councillors (one of whom may be the nominee). The nomination is not valid unless the nominee has indicated consent to the nomination in writing.
- (3) The nomination is to be delivered or sent to the returning officer.
- (4) The returning officer is to announce the names of the nominees at the council meeting at which the election is to be held.

#### 3 Election

- (1) If only one councillor is nominated, that councillor is elected.
- (2) If more than one councillor is nominated, the council is to resolve whether the election is to proceed by preferential ballot, by ordinary ballot or by open voting.
- (3) The election is to be held at the council meeting at which the council resolves on the method of voting.
- (4) In this clause:  
*ballot* has its normal meaning of secret ballot.  
*open voting* means voting by a show of hands or similar means.

### Part 2 Ordinary ballot or open voting

#### 4 Application of Part

This Part applies if the election proceeds by ordinary ballot or by open voting.

#### 5 Marking of ballot-papers

- (1) If the election proceeds by ordinary ballot, the returning officer is to decide the manner in which votes are to be marked on the ballot-papers.
- (2) The formality of a ballot-paper under this Part must be determined in accordance with clause 345 (1) (b) and (c) and (6) of this Regulation as if it were a ballot-paper referred to in that clause.
- (3) An informal ballot-paper must be rejected at the count.

#### 6 Count—2 candidates

- (1) If there are only 2 candidates, the candidate with the higher number of votes is elected.
- (2) If there are only 2 candidates and they are tied, the one elected is to be chosen by lot.

#### 7 Count—3 or more candidates

- (1) If there are 3 or more candidates, the one with the lowest number of votes is to be excluded.
- (2) If 3 or more candidates then remain, a further vote is to be taken of those candidates and the one with the lowest number of votes from that further vote is to be excluded.
- (3) If, after that, 3 or more candidates still remain, the procedure set out in subclause (2) is to be repeated until only 2 candidates remain.
- (4) A further vote is to be taken of the 2 remaining candidates.
- (5) Clause 6 of this Schedule then applies to the determination of the election as if the 2 remaining candidates had been the only candidates.
- (6) If at any stage during a count under subclause (1) or (2), 2 or more candidates are tied on the lowest number of votes, the one excluded is to be chosen by lot.

### Part 3 Preferential ballot

#### 8 Application of Part

This Part applies if the election proceeds by preferential ballot.

#### 9 Ballot-papers and voting

- (1) The ballot-papers are to contain the names of all the candidates. The Councillors are to mark their votes by placing the numbers “1”, “2” and so on against the various names so as to indicate the order of their preference for all the candidates.
- (2) The formality of a ballot-paper under this Part is to be determined in accordance with clause 345 (1) (b) and (c) and (5) of this Regulation as if it were a ballot-paper referred to in that clause.
- (3) An informal ballot-paper must be rejected at the count.

#### 10 Count

- (1) If a candidate has an absolute majority of first preference votes, that candidate is elected.
- (2) If not, the candidate with the lowest number of first preference votes is excluded and the votes on the unexhausted ballot-papers counted to him or her are transferred to the candidates with second preferences on those ballot-papers.
- (3) A candidate who then has an absolute majority of votes is elected, but, if no candidate then has an absolute majority of votes, the process of excluding the candidate who has the lowest number of votes and counting each of his or her unexhausted ballot-papers to the candidates remaining in the election next in order of the voter’s preference is repeated until one candidate has received an absolute majority of votes. That candidate is elected.
- (4) In this clause, “**absolute majority**”, in relation to votes, means a number that is more than one-half of the number of unexhausted formal ballot-papers.

#### 11 Tied candidates

- (1) If, on any count of votes, there are 2 candidates in, or remaining in, the election and the numbers of votes cast for the 2 candidates are equal—the candidate whose name is first chosen by lot is taken to have received an absolute majority of votes and is therefore taken to be elected.
- (2) If, on any count of votes, there are 3 or more candidates in, or remaining in, the election and the numbers of votes cast for 2 or more candidates are equal and those candidates are the ones with the lowest number of votes on the count of the votes—the candidate whose name is first chosen by lot is taken to have the lowest number of votes and is therefore excluded.

### Part 4 General

#### 12 Choosing by lot

To choose a candidate by lot, the names of the candidates who have equal numbers of votes are written on similar slips of paper by the returning officer, the slips are folded by the returning officer so as to prevent the names being seen, the slips are mixed and one is drawn at random by the returning officer and the candidate whose name is on the drawn slip is chosen.

#### 13 Result

The result of the election (including the name of the candidate elected as mayor or deputy mayor) is:

- a) to be declared to councillors at the council meeting at which the election is held by the returning officer, and
- b) to be delivered or sent to the Departmental Chief Executive and to the Chief Executive of Local Government New South Wales.